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HUMAN RIGHTS QUESTIONS

Letter dated 15 September 1994 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the text of a statement issued by the Foreign Ministry of Estonia regarding the rights of aliens in Estonia.

I should be grateful if you would have the text of the statement circulated as a document of the General Assembly, under item 103 of the provisional agenda.

(Signed) Trivimi VELLISTE
Ambassador
Permanent Representative

* A/49/150.

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ANNEX

Statement by the Foreign Ministry of Estonia on the rights of aliens in Estonia

In his letter of 20 July 1994 (A/49/265) Mr. Yuliy Vorontsov, Permanent Representative of the Russian Federation to the United Nations, accuses both Estonia and Latvia of human rights violations, based primarily on their citizenship policies. Regrettably, owing to an apparent lack of information on the part of the author, the letter included inaccurate and distorted information, often leading to tendentious conclusions. The following provides an overview of the issues surrounding citizenship, aliens and national minorities in Estonia, in order to shed light on the allegations made by the representative of the Russian Federation.

I. ISSUES REGARDING CITIZENSHIP

Estonia's de facto independence was suspended by the Soviet occupation on 17 June 1940, and by the subsequent annexation of Estonia on 6 August 1940. De facto independence was restored on 20 August 1991, based on the principle of legal continuity.

The Estonian Law on Citizenship was passed in 1938 and re-entered into force on 26 February 1992. As is the case in the majority of European States, Estonia's Law on Citizenship is based on the principle of jus sanguinis. Consequently, once independence was restored, all persons who were citizens of the Republic of Estonia prior to 17 June 1940 and their descendants were automatically regarded as Estonian citizens by birth. Persons who settled in Estonia during the Soviet occupation period and their descendants can apply for citizenship pursuant to the Estonian Law on Citizenship.

Contrary to the allegations of the Russian Federation, reinstatement of the Estonian Law on Citizenship did not deprive anyone of citizenship. Instead, it provided a legal basis for those who had settled in Estonia during the occupation to apply for and obtain Estonian citizenship. The aim of the Law on Citizenship, as of all laws, is to eliminate a state of lawlessness and to establish a democratic legal system in which the rights of the individual are established, exercised and protected.

The Estonian Law on Citizenship has been deemed liberal by numerous expert missions from different countries and international organizations. The Law requires the applicant to have resided in Estonia for two years prior to submitting an application and for one year thereafter, for processing of applications. Applicants must display some knowledge of the Estonian language, for which specific requirements have been clearly established by a Government Order and have been acknowledged to be within the reach of potential applicants by a United Nations fact-finding mission (see A/48/511). Based on careful comparison with the citizenship laws of other countries, the mission found that the Estonian Law on Citizenship does not contradict any internationally recognized norms or standards.

Estonia fully concurs with the Russian Federation that to declare a large number of persons to be aliens or stateless persons constitutes a direct violation of the fundamental principles of human rights (see articles 6 and 15 of the Universal Declaration of Human Rights). It is therefore regrettable that the Russian Federation, which declared itself the legal successor to the Union of Soviet Socialist Republics and assumed control over the assets, foreign missions, military forces, State infrastructure, etc. of the former Soviet Union, has sought to exclude from this list the issue of its citizens residing in certain neighbouring States, while accepting Russian citizens in most other countries.

II. ISSUES REGARDING THE STATUS OF ALIENS

The status of all persons in Estonia who do not possess Estonian citizenship is regulated by the Law on Aliens. The fundamental rights, liberties and duties of aliens have been specified in the Constitution and are comparable to the fundamental rights and liberties enjoyed by Estonian citizens.

Prior to its adoption, the draft of the Law was subjected to analysis by the Conference on Security and Cooperation in Europe (CSCE) and Council of Europe experts, whose recommendations were carefully considered in the final document. The Estonian Law on Aliens was determined to be in conformity with internationally accepted norms and standards. The Estonian Law on Aliens has been circulated as a document of the United Nations (A/48/259).

In accordance with general practice, aliens lack some political rights that they might enjoy in their country of citizenship, such as the right to elect and be elected to representative bodies and to form political parties. Estonia ranks among the few countries that have provided aliens residing in its territory with the right to elect representatives to local government councils.

The Estonian Law on Aliens, considering the ties which those who settled in the country during the occupation have developed with Estonia, places these people in a more favourable position than aliens who wish to immigrate to Estonian today. Potential new immigrants must apply for work and residence permits through the foreign missions of Estonia on a quota basis, whereas those already in the country, most of whom are Russian citizens, have three years, until July 1996, to complete all formalities to legalize their status in the country. Formalities for the aliens already in the country are also simplified. They are required to submit fewer documents and do not need to provide a certificate of health. The right to ownership for aliens is restricted only in regard to land, which may be purchased by aliens only if the land is to be used for a production facility. In all other cases the right to ownership is equal for citizens and aliens alike, including the right to privatize housing. All social guarantees are equal.

Housing in Estonia is privatized on the basis of a system using privatization securities, which are calculated based on the number of years of employment in occupied Estonia, on equal terms for citizens and aliens. Years of service in the Soviet army cannot be included by anyone - citizens or aliens - in their calculations, as service in the occupation army can in no way

be considered as beneficial to Estonia. Years of employment outside of Estonia are also not applicable, as the system is based on the logic that work done in occupied Estonia has contributed to Estonia's assets today and therefore is deserving of compensation.

The Government of Estonia fully recognizes that the cost of living has risen significantly and that this rise most significantly affects society's dependants - pensioners and the unemployed. This, however, is inevitable in a society committed to transition to a market economy. No person in Estonia, citizen or not, is guaranteed a job by the State. The right to unemployment benefits is equal for all registered unemployed, regardless of citizenship. The receipt of unemployment benefits also does not preclude anyone from obtaining citizenship, as these benefits are considered as legal income.

III. NATIONAL MINORITIES

Estonia was the first country in the modern era to implement the principles of non-territorial cultural autonomy, in 1925. In 1940, after the Soviet occupation of Estonia, the Law on Cultural Autonomy was abolished. In September 1993, the Parliament modified, updated and readopted the Law, giving minorities the right to establish what are known as cultural self-governments. These are bodies elected by persons belonging to a national minority which are enabled to launch publications in their own language, as well as to found churches and schools. Cultural self-governments are legally equal to local governments and are financially supported by the State.

The Estonian Law on Cultural Autonomy has significant merit. It offers a means for addressing issues regarding national minorities that are dispersed throughout the country, such as the Finns, Germans, Jews, Latvians and Tatars. The larger national minorities, Russians, Ukrainians and Belarussians, live mostly in concentrated communities and therefore can represent their interests through both cultural self-governments and local government councils.

In applying the Law on Cultural Autonomy, Estonia proceeds from international practice, by which national minorities are defined as citizens of a State, living in its territory, who do not belong to the State's predominant ethnic group.

The CSCE High Commissioner on National Minorities, Mr. Max van der Stoel, has expressed his appreciation of the Law, stressing that it may be regarded as a model for other countries.

IV. RUSSIAN-LANGUAGE EDUCATION

The situation of Estonian education in the 1990s reflects the breakdown of the totalitarian occupation regime and the regaining of independence and sovereignty. Nearly every aspect and sphere of education in Estonia has been examined and revised. The entire school system, infused with Soviet practices and attitudes, is undergoing reform. The schools with Russian-medium

instruction face the additional task of integrating non-Estonian speaking students into society.

Currently, students graduating from Russian-medium basic schools (nine years of instruction) can continue their studies in Russian-medium vocational or upper secondary schools. The Law on Basic and Upper Secondary Schools, passed in September 1993, foresees the transition to Estonian-medium instruction in all State and municipal upper secondary schools by the year 2000. Basic schools will continue instruction in either Estonian or Russian as heretofore. Parents and students will have the choice as to language of instruction. The Law proceeds from the assumption that by the year 2000 graduates of the Russian-medium basic schools will have gained sufficient knowledge of Estonian to continue their studies in upper secondary schools. It also provides a sufficient amount of time to train teachers to teach all subjects in Estonian in current Russian-medium schools. Therefore, the allegation made by the representative of the Russian Federation that not one of the existing Russian schools will be able to qualify for full legal status as a high school is purely speculative.

Moreover, the Law on Cultural Autonomy for National Minorities also grants all minority groups the right to establish private schools, including upper secondary schools, with their own language of instruction and additional instruction in their cultural heritage. Article 27 of the Law provides that the activities of national minority cultural autonomy, including educational institutions, ethnic cultural institutions, enterprises and social care institutions, be inter alia financed from State budget allocations.

When Estonia regained its independence, it established the same length, 12 years, for both Estonian and Russian secondary education. During the Soviet period, Russian schools in Estonia were compelled to follow the same curriculum used in the Soviet Union. Russian children attended school for 10 years, while Estonian children attended school for 11 years to allow for a thorough course in Russian. Russian-medium schools, however, often provided no Estonian language instruction as a part of broad assimilation-russification campaign directed from Moscow, thus conscientiously ignoring Estonian culture. Children of migrant families grew up virtually without exposure to or knowledge of the Estonian language and were isolated from the Estonian community. In this respect, the education system has been balanced.

The restructuring of school curricula revealed that one of the main problems to be faced in the coming years is the shortage of Estonian language teachers in Russian-medium schools. The figures show that the number of such teachers has increased from 431 in the 1991-1992 academic year to 499 in the 1993-1994 academic year. As a temporary measure, less qualified teachers are being used to alleviate the acute shortage, but long-term solutions are being sought as well. A new field of study, Estonian in Russian-language schools, was introduced this year at Virumaa College, and as of 1995 the number of students accepted into similar programmes at the Tallinn Pedagogical University and Tartu University will also be increased. It is clear that the shortage of Estonian language teachers in Russian schools did not arise overnight, but is a part of the legacy of an education system steered by Moscow. It is equally clear that

the efforts of the Government of Estonia to provide language instruction will not bear fruit overnight.

It is also inaccurate to claim that Russian students will not know Russian scientific and technical terminology upon graduation from an Estonian-medium school. The curriculum of both Russian-medium and Estonian-medium schools already requires the instruction of terminology in the languages most commonly used in each discipline, predominantly English, Russian and German. This ensures that students will be able to further their studies abroad if desired, including in the Russian Federation. Estonian authorities have received no protests from the numerous students who have studied abroad that the Estonian education system failed to prepare them for their future studies. It can further be presumed that a serious student will have sufficient interests in his or her field of study that related terminology in their native language will not pose a problem.

As for providing Russian-medium schools with teaching materials, three options are currently available: original Estonian textbooks, textbooks compiled jointly by Estonian and Russian authors and textbooks published in Russia or their Estonian reprints. There have unfortunately been several recent cases in which prepaid orders of textbooks from Russia have not arrived in Estonia, making authorities wary of placing further orders with these suppliers.

In the course of educational reform, the curricula of Estonian- and Russian-medium basic schools have been made identical. Russian history is not taught as a separate subject, rather it is studied within the context of general history, as are the histories of our other neighbouring countries.

Both Estonians and Russians have an equal opportunity to study at institutions of higher education. The entrance examination system is the same for everyone, and no noticeable differences have been noted between the results of the entrance examinations of native Estonian and Russian speakers. Instruction is offered in both languages. The percentage of students studying in Russian groups has remained steady at approximately 20 per cent of total students through the 1993-1994 academic year. For the upcoming semester, the Pedagogical University has allocated a number of positions specifically for students from Russian-medium schools in order to facilitate the study of fields for which only Estonian-language courses are available.

The current reform of higher education assumes that students will increasingly be proficient in those languages needed to attend courses and carry out practical assignments dictated by the demands of their chosen curriculum, not their native language. For example, the number of visiting professors in Estonian higher education is increasing, and currently, in addition to Estonian and Russian, classes are also offered in German and English.

It should also be pointed out that Russians and other Russian-speaking ethnic groups have far greater options and opportunities to study at institutions of higher education in the Russian language, considering the proximity of educational establishments in the Russian Federation. Even in Estonia, two new higher level Russian-medium education institutions have

recently been opened - the Narva Teachers Training College for teachers of the humanities and the Virumaa College for teachers of science.

V. INFORMATION IN RUSSIAN

Owing to Estonia's geographical position, Finnish television can be seen in northern Estonia, Swedish television can be seen on the islands off the western coast, Latvian television can be seen in southern Estonia and Russian television can be seen in eastern Estonia, all without any relay of the original broadcast signals. The Government of Estonia does not finance the relay of any foreign television broadcast to areas where they cannot be otherwise received. At the same time, no restrictions are imposed on foreign States if they wish to relay their television broadcasts to Estonia at their own expense. The Russian Federation did exactly that for some time, however, then opted to discontinue financing of the relay in March of this year.

State-owned Estonian television will soon increase its volume of Russian-language broadcasting from the current two and one half to three and one half hours per week. In addition to daily news programmes, half-hour interest programmes will be broadcast regularly three times a week, with time reserved for additional programming if required. Commercial television stations broadcast partly in Russian. Cable television systems, which include Russian television, are bring presently introduced into the larger cities. One of four State-owned radio channels transmits exclusively Russian language programmes, 18 hours per day. Several Russian language commercial radio stations have begun to operate, and foreign radio channels are relayed into Estonia.

The Government of Estonia provides funding to Russian publications on an equal basis with Estonian publications, giving preference to non-commercial publications, such as two Russian cultural publications it currently supports. The Government does not interfere in the financing or content of daily newspapers, whether national or local, even if the publications contain anti-Estonian or anti-Estonia sentiments. The foreign media is made available through numerous agencies and distributors, which import a wide range of publications according to market demand. Newsstands commonly carry over 20 publications printed in Russia. Any newspaper or magazine from any country in the world may be ordered into Estonia through a private subscription. It is difficult to understand the reasoning behind the criticism by the Russian Federation of price increases for various publications, as the Government of Estonia does not subsidize domestic or foreign publications nor does it intervene in distribution in any other way.

The allegation that Russian books have been removed from libraries in Tallinn is not true. For example, of the 4 million books available in the National Library, almost one half are in Russian. Of the 34,000 titles which may be borrowed from the library 29.5 per cent are in Estonian. Foreign language publications account for 57 per cent of all new titles ordered in 1993, of which one fifth were Russian books. Russian speakers account for one third of registered library users.

The number of State-funded theatre companies in Estonia is currently the same as during the occupation period, 10 Estonian-speaking and 1 Russian-speaking. However, despite its high artistic quality, the Russian theatre has a history of weak ticket sales.

VI. FREEDOM OF RELIGION

The Constitution of Estonia guarantees the right to freedom of religion and conscience to all persons. There have been no cases of religious discrimination noted in Estonia. In accordance with the Law on Churches and Congregations, Estonian authorities have registered the Estonian Apostolic Orthodox Church, which was established as an independent national church in 1923 under the authority of the Constantinople patriarchate. The rights to property that belonged to the Estonian Apostolic Orthodox Church before it was forced into exile in 1944 by the Soviet occupation have been restored to it. The other orthodox church, which is subordinate to the Moscow patriarchate and uses buildings belonging to the Estonian Apostolic Orthodox Church that were seized during the occupation period, has also applied for registration under the name Estonian Apostolic Orthodox Church. This application was refused because the Law requires that the name of a newly registered church be clearly distinct from the name of any church already registered in the country. It will be possible to satisfy a request for registration under another name. On humanitarian grounds, the Ministry of Internal Affairs has not obstructed the activities of the orthodox church, which continues to be loyal to the Moscow patriarchate, even though it is illegal for an unregistered church to operate in Estonia.

VII. CONCLUSIONS

The allegations by the Russian Federation of serious violations of human rights in Estonia have not found confirmation by the United Nations fact-finding mission or any other of the numerous fact-finding missions to Estonia conducted by international organizations or by the CSCE Permanent Mission to Estonia. Estonia's citizenship and nationalities policies aim at the integration of a maximum number of aliens, by their own desire, into society as rapidly as possible. Estonia is convinced that this, far more than unfounded accusations delivered by the Russian Federation, will contribute to good neighbourly relations between our two countries. In conclusion, it is fitting to quote from the report prepared by Helsinki Watch, entitled "Integrating Estonia's non-citizen minority": "Helsinki Watch calls on the Russian Government to refrain from inflaming the debate on the situation of the non-citizens in Estonia through heightened rhetoric and hyperbole". We are convinced that adherence to this recommendation, more than anything else, will help us to achieve our common goal of abolishing the dark legacy of the former Soviet regime.